

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-1789

Christopher L. Bilbrey,

Appellant,

v.

United States Department of the Air
Force; F. Whitten Peters, Individually
and as Secretary, Department of the
Air Force, Pentagon, Washington, D.C.;
David R. Stinson, Deputy Director,
Communications and Information
Systems Headquarters Air Combat
Command; Don W. Fox, Deputy
General Counsel (Fiscal, Ethics and
Civilian Personnel),

Appellees.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: October 12, 2001

Filed: October 16, 2001

Before WOLLMAN, Chief Judge, BOWMAN, and LOKEN, Circuit Judges.

PER CURIAM.

Christopher L. Bilbrey filed this action seeking unredacted copies of documents he received from the United States Air Force (USAF) as a result of his

request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. The district court¹ granted summary judgment to the USAF in part and to Bilbrey in part, concluding that redactions in one document were proper, but ordering the USAF to provide Bilbrey with nearly all of the redacted portions of a second document. Bilbrey appeals.

After careful de novo review of the record, including unredacted copies of the documents at issue, we conclude that the redacted material is both predecisional and deliberative, and therefore, exempt from disclosure under FOIA exemption 5. See Missouri v. United States Army Corp of Eng'rs, 147 F.3d 708, 710 (8th Cir. 1998) (exemption 5 permits nondisclosure of inter- or intra-agency memorandum which is both predecisional and deliberative).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The HONORABLE GARY A. FENNER, United States District Judge for the Western District of Missouri.